IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.156 OF 2006

Kanhaiyalal Motilal Talera Petitioner

versus

Smt.Sarubai N. Mulik & anr. Respondents

Mr.Madhav Jamdar for petitioner.

Mr.S.M.Gorwadkar for respondent no.1.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 23rd January 2006

PC :

1. Heard Shri Jamdar for petitioner and Shri Gorwadkar for respondent no.1. There is much substance in the contention of Shri Jamdar that the Trial Court follows a strange practice of just endorsing on every application made in the suit (mere "filed"). His contention is that the application should be dealt with in accordance with law and appropriate orders passed giving reasons as to why request made therein cannot be granted, or is being granted. However, now that the written statement is taken on record in the suit filed in the year 1994, amendment thereto being allowed by me in the companion petition

and the suit being expedited, no useful purpose will be served by scrutinising the legality and validity of the procedure adopted by the Trial Court.

2. The Trial Judge is directed not to just endorse the applications with such cryptic remarks in future and/or pass cryptic order. The Trial Court to take on record such applications in accordance with the provisions contained in CPC, 1908 for trying the suit and deal with them appropriately according to law. The order of the Trial Court under challenge is modified and respondents 1 and 2 are directed to pay costs quantified at Rs.1,500/- to the petitioner-plaintiff. Petition disposed of.

(S.C.DHARMADHIKARI, J.)